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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,848	08/14/2000	Jay Paul Drummond	D-1077+17	9773

28995 7590 09/09/2003

RALPH E. JOCKE  
231 SOUTH BROADWAY  
MEDINA, OH 44256

EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/638,848

Applicant(s)  
Jay Paul Drummond et al.

Examiner  
Pierre E. Elisca

Art Unit  
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08/14/2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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**Examiner Pierre Eddy Elisca**

**United States Department of Commerce**

**Patent and Trademark Office**

**Washington, D.C. 20231**

**DETAILED ACTION**

1. This Office action is in response to Application No. 09/638,848, filed on 08/14/2000.
2. Claims 1-39 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vak et al. (U.S. Pat. No. 5,473,143) in view of Zeanah et al. (U.S. Pat. No. 5,933,816).

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As per claims 1, 4, 5, 6, 7, Vak substantially discloses an ATM or POS system having a terminal 22, 24, 26, 28 or 34 and processor 18 or 36 which are connected to an ATM or POS, comprising: providing a first , wherein the first icon corresponds to a first ATM object (see., Vak, abstract, col 4, lines 7-51, please note that each terminal or computer has an icon). It is to be noted that Vak fails to explicitly disclose a second icon corresponds to a second ATM. However, Zeanah discloses a second icon corresponds to a second ATM object (see., Zeanah, abstract, col 5, lines 39-60, it is obvious to realize each computer or terminal has a icon). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the ATM/POS based electronic mail system of Vak with the ATM of Zeanah because this would permit ATM users to transmit messages to each other.

As per claim 2, Vak discloses the claimed method of storing in a memory a plurality of institutions that are representative of the association visually represented in the work place (see., Vak abstract, specifically wherein it is stated that messages can be stored or retrieved through standard ATM or POS terminals).

As per claim 3, Vak discloses the claimed method of performing a transaction with an automated transaction machine responsive to the instructions (see., abstract).

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As per claim 8, Vak discloses the claimed method wherein in step (f) the function includes having a transaction function device perform an operation (see., abstract, switch 52 which stores user messages for remote retrieval and use as an electronic mail).

As per claims 9, 10, 11, Vak discloses the claimed method wherein the transaction function device includes a cash dispenser device (see., Vak, abstract, ATM dispenses cash).

5. Claims 12-39 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Vak and Zeanah, and further in view of Wagner (U.S. pat. No. 5,742,845).

As per claims 12-39 Vak and Zeanah disclose the claimed limitations as stated in claims 7, 5, 3 and 1 above. Furthermore, Zeanah discloses a navigation shell component 82, and a web browser remote device or web page, and a delivery capabilities that include the HTML level ( see., col 12, lines 41-67, col 19, lines 18-34). It is to be noted that Vak and Zeanah fail to disclose a third ATM. However, Wagner discloses a third ATM see., col 1, lines 14-67). It is obvious to recognize that the teachings of Vak, Zeanah, and Wagner can also include a fourth ATM. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the ATM systems of Vak and Zeanah with the ATM of Wagner because this would permit ATM users to transmit messages to each other.

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***Conclusion***

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**

  
Pierre Eddy Elisca

Patent Examiner

**September 04, 2003**